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**PILLSBURY WINTHROP LLP**  
**ATTENTION: DOCKETING DEPARTMENT**  
**11682 EL CAMINO REAL, SUITE 200**  
**SAN DIEGO, CA 92130**

**COPY MAILED**

NOV 03 2004

In re Application of	:	OFFICE OF PETITIONS
Shu-Ching Cheng et al	:	
Application No. 08/900,559	:	ON PETITION
Filed: July 25, 1997	:	
Attorney Docket No. 030872.0004.RCE1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 12, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed December 4, 2003, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 5, 2004.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

There is no indication that corrected formal drawings as required by the Notice of Allowability of December 4, 2003 have been submitted. Accordingly, this application cannot be revived until corrected formal drawings have been submitted.

There is no indication that petitioner has submitted an Issue Fee Transmittal Form (PTOL-85b). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Issue Fee Transmittal Form should be completed and returned to the Publishing Division within **ONE MONTH** from the mail date of this decision.

The Change of Correspondence Address filed August 12, 2004 is noted and made of record.

Further correspondence with respect to this matter should be addressed as follows:


By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
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                                    Arlington, VA 22202

By fax:                        (703) 872-9306  
                                    ATTN: Office of Petitions

Pursuant to petitioner's authorization, Deposit Account No. 50-2212 was charged a total of \$1,330.00 -- \$665.00 for the petition to revive an unintentionally abandoned application and \$665.00 for the issue fee.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

  
Wan Laymon  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Attachment: PTOL-85(b)